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BEFORE THE
BOARD OF VOCATIONAL NURSING
AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Statement of Issues
Against:

Case No. PT-2008-2831

JONATHAN KRAUSS
8351 Chaffee Street
Rancho Cucamonga, CA 91730

Applicant for Psychiatric Technician License

Respondent.

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Vocational Nursing and Psychiatric Technicians as the final Decision in the above-entitled matter.

This Decision shall become effective on May 22, 2011.

IT IS SO ORDERED this 22nd day of April, 2011.



John P. Vertido, L.V.N.
President

1 EDMUND G. BROWN JR.
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 KEVIN J. RIGLEY
Deputy Attorney General
4 State Bar No. 131800
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 620-2558
6 Facsimile: (213) 897-2804
Attorneys for Complainant
7

8 **BEFORE THE**
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues
12 Against:

13 **JONATHAN KRAUSS**
8351 Chaffee Street
14 Rancho Cucamonga, CA 91730

15 Application for Psychiatric Technician
16 Licensure

17 Respondent.

Case No. PT-2008-2831

OAH No. 2010070961

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

18
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
20 entitled proceedings that the following matters are true:

21 PARTIES

22 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) is the Executive Officer of the
23 Board of Vocational Nursing and Psychiatric Technicians. She brought this action solely in her
24 official capacity and is represented in this matter by Edmund G. Brown Jr., Attorney General of
25 the State of California, by Kevin J. Rigley, Deputy Attorney General.

26 2. Respondent Jonathan Krauss (Respondent) is representing himself in this proceeding
27 and has chosen not to exercise his right to be represented by counsel.
28

3. On or about April 6, 2009, Respondent filed an application dated February 3, 2009, with the Board of Vocational Nursing and Psychiatric Technicians to obtain an Application for Psychiatric Technician Licensure.

JURISDICTION

4. Statement of Issues No. PT-2008-2831 was filed before the Board of Vocational Nursing and Psychiatric Technicians (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Statement of Issues and all other statutorily required documents were properly served on Respondent on May 13, 2010. A copy of Statement of Issues No. PT-2008-2831 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Statement of Issues No. PT-2008-2831. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Statement of Issues; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Statement of Issues No. PT-2008-2831.

9. Respondent agrees that his Application for Psychiatric Technician Licensure is subject to denial and he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order herein.

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1 immediately revoked. The revocation will be stayed and the Respondent placed on three (3)
2 years probation on the following terms and conditions:

3 1. **OBEY ALL LAWS.** Respondent shall obey all federal, state and local laws,
4 including all statutes and regulations governing the license. Respondent shall submit, in writing, a
5 full and detailed account of any and all violations of the law, including alleged violations, to the
6 Board within five (5) days of occurrence.

7 To ensure compliance with this condition, Respondent shall submit fingerprints through the
8 Department of Justice and Federal Bureau of Investigation within thirty (30) days of the effective
9 date of the decision, unless the Board determines that fingerprints were previously submitted by
10 the Respondent to the Board.

11 Respondent shall also submit to the Board a recent 2" x 2" photograph of himself within
12 thirty (30) days of the effective date of the decision.

13 If Respondent is under a criminal court order, including probation or parole, and the order
14 is violated, it shall be deemed a violation of these probation conditions.

15 2. **COMPLIANCE WITH PROBATION PROGRAM.** Respondent shall fully
16 comply with the conditions of probation established by the Board and shall cooperate with
17 representatives of the Board in its monitoring and investigation of the respondent's compliance
18 with the Probation Program.

19 Upon successful completion of probation, the Respondent's license will be fully restored.

20 3. **SUBMIT WRITTEN REPORTS.** Respondent shall submit or cause to be
21 submitted, under penalty of perjury, any written reports, declarations and verification of actions
22 as required by the Board or its representatives. These reports or declarations shall contain
23 statements relative to Respondent's compliance with all the conditions of the Board's Program.
24 Respondent shall immediately execute all release of information forms as may be required by the
25 Board or its representatives.

26 In the first report, Respondent shall provide a list of all states and territories where he has
27 ever been licensed as a vocational/practical nurse, psychiatric technician, or registered nurse.
28 Respondent shall provide information regarding the status of each license and any change in

1 license status during the period of probation. Respondent shall inform the Board if he applies for
2 or obtains a new nursing or psychiatric technician license during the period of probation.

3 Respondent shall provide a copy of the Board's decision to the regulatory agency in every
4 state and territory in which he has applied for or holds a vocational/practical nurse, psychiatric
5 technician and/or registered nurse license.

6 **4. NOTIFICATION OF ADDRESS AND TELEPHONE NUMBER CHANGE(S).**

7 Respondent shall notify the Board, in writing, within five (5) days of any change of his address or
8 telephone number(s).

9 Respondent's failure to claim mail sent by the Board may be deemed a violation of these
10 probation conditions.

11 **5. NOTIFICATION OF RESIDENCY OR PRACTICE OUTSIDE OF STATE.**

12 Respondent shall notify the Board, in writing, within five (5) days, if he leaves California to
13 reside or practice in another state. Periods of residency or practice outside of California shall not
14 apply toward a reduction of this probation time period. If Respondent resides or practices outside
15 of California, the period of probation shall be automatically extended for the same time period he
16 resides or practices outside of California. The Respondent shall provide written notice to the
17 Board within five (5) days of any change of residency or practice.

18 Respondent shall notify the Board, in writing, within five (5) days, upon his return to
19 California.

20 **6. MEETINGS WITH BOARD REPRESENTATIVE(S).** Respondent shall appear
21 in person at meetings as directed by the Board or its designated representatives.

22 **7. NOTIFICATION TO EMPLOYER(S).** When currently employed or applying for
23 employment in any capacity in any health care profession, Respondent shall notify his employer
24 of the probationary status of Respondent's license. This notification to the Respondent's current
25 health care employer shall occur no later than the effective date of the Decision. The Respondent
26 shall notify any prospective health care employer of his probationary status with the Board prior
27 to accepting such employment. At a minimum, this notification shall be accomplished by

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1 providing the employer or prospective employer with a copy of the Board's Accusation and
2 Disciplinary Decision.

3 The Health Care Profession includes, but is not limited to: Licensed Vocational Nurse,
4 Psychiatric Technician, Registered Nurse, Medical Assistant, Paramedic, Emergency Medical
5 Technician, Certified Nursing Assistant, Home Health Aide, and all other ancillary technical
6 health care positions.

7 Respondent shall cause each health care employer to submit to the Board all performance
8 evaluations and any other employment related reports as required by the Board. Respondent shall
9 notify the Board, in writing, of any difficulty in securing employer reports within five (5) days of
10 such an event.

11 Respondent shall notify the Board, in writing, within five (5) days of any change in
12 employment status. Respondent shall notify the Board, in writing, if he is terminated or
13 separated, regardless of cause, from any nursing or health care related employment with a full
14 explanation of the circumstances surrounding the termination or separation.

15 **8. EMPLOYMENT REQUIREMENTS AND LIMITATIONS.** Respondent shall
16 work in his licensed capacity in the state of California. This practice shall consist of no less than
17 six (6) continuous months and of no less than twenty (20) hours per week.

18 Respondent shall not work for a nurses' registry or in any private duty position, a temporary
19 nurse placement agency, as a faculty member in an accredited or approved school of nursing, or
20 as an instructor in a Board approved continuing education course except as approved, in writing,
21 by the Board. Respondent shall work only on a regularly assigned, identified and predetermined
22 work site(s) and shall not work in a float capacity except as approved, in writing, by the Board.

23 **9. SUPERVISION REQUIREMENTS.** Before commencing or continuing
24 employment in any health care profession, Respondent shall obtain approval from the Board of
25 the supervision provided to the Respondent while employed.

26 Respondent shall not function as a charge nurse (i.e., work in any healthcare setting as the
27 person who oversees or directs licensed vocational nurses, psychiatric technicians, certified
28

nursing assistants or unlicensed assistive personnel) or supervising psychiatric technician during the period of probation except as approved, in writing, by the Board.

10. **COMPLETION OF EDUCATIONAL COURSE(S).** Respondent, at his own expense, shall enroll and successfully complete a course(s) substantially related to the violation(s) no later than the end of the first year of probation.

The coursework shall be in addition to that required for license renewal. The Board shall notify the Respondent of the course content and number of contact hours required. Within thirty (30) days of the Board's written notification of assigned coursework, Respondent shall submit a written plan to comply with this requirement. The Board shall approve such plan prior to enrollment in any course of study.

Upon successful completion of the course, Respondent shall submit "original" completion certificates to the Board within thirty (30) days of course completion.

11. **MAINTENANCE OF VALID LICENSE.** Respondent shall, at all times, maintain an active current license with the Board including any period of suspension.

If an initial license must be issued (Statement of Issues), probation shall not commence until a license is issued by the Board. Respondent must complete the licensure process within two (2) years from the effective date of the Board's decision.

Should Respondent's license expire, by operation of law or otherwise, upon renewal or reinstatement, Respondent's license shall be subject to any and all conditions of this probation not previously satisfied.

12. **LICENSE SURRENDER.** During probation, if Respondent ceases practicing due to retirement, health reasons, or is otherwise unable to satisfy the conditions of probation, Respondent may surrender his license to the Board. The Board reserves the right to evaluate Respondent's request and to exercise its discretion whether to grant the request without further hearing. Upon formal acceptance of the tendered license, Respondent will no longer be subject to the conditions of probation.

Surrender of Respondent's license shall be considered a disciplinary action and shall become a part of Respondent's license history with the Board. A licensee who surrenders his

1 license may petition the Board for reinstatement no sooner than the following minimum periods
2 from the effective date of the disciplinary decision for the surrender:

3 Three (3) years for reinstatement of a license surrendered for any reason other than a mental
4 or physical illness; or one (1) year for a license surrendered for a mental or physical illness.

5 13. **VIOLATION OF PROBATION.** If Respondent violates the conditions of his
6 probation, the Board, after giving the Respondent notice and an opportunity to be heard, may set
7 aside the stay order and impose the stayed discipline (revocation) of the Respondent's license. If
8 during probation, an accusation or petition to revoke probation has been filed against the
9 Respondent's license or the Attorney General's Office has been requested to prepare an
10 accusation or petition to revoke probation against the Respondent's license, the probationary
11 period shall automatically be extended and shall not expire until the accusation or petition has
12 been acted upon by the Board.

13 14. **CHEMICAL DEPENDENCY SUPPORT & RECOVERY GROUPS.** Within
14 five (5) days of the effective date of the Decision, Respondent shall begin attendance at a
15 chemical dependency support group (e.g. Alcoholics Anonymous, Narcotics Anonymous, Nurse
16 Support Group). Verified documentation of attendance shall be submitted by the Respondent
17 with each written report as required by the Board. Respondent shall continue attendance in such a
18 group for the duration of probation.

19 15. **ABSTAIN FROM CONTROLLED SUBSTANCES.** Respondent shall completely
20 abstain from the personal use or possession of controlled substances, as defined in the California
21 Uniform Controlled Substances Act, and dangerous drugs as defined in Section 4021 and 4022 of
22 the Business and Professions Code, except when lawfully prescribed by a licensed practitioner for
23 a bona fide illness.

24 16. **ABSTAIN FROM USE OF ALCOHOL.** Respondent shall completely abstain
25 from the use of alcoholic beverages and products containing alcohol.

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17. **SUBMIT BIOLOGICAL FLUID SAMPLES.** Respondent shall immediately submit to biological fluid testing, at Respondent's cost, upon request by the Board or its designee. There will be no confidentiality in test results; positive test results will be immediately reported to the Board and the Respondent's current employer.

ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Application for Psychiatric Technician Licensure. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Vocational Nursing and Psychiatric Technicians.

DATED: Nov. 22, 2010


JONATHAN KRAUSS
Respondent

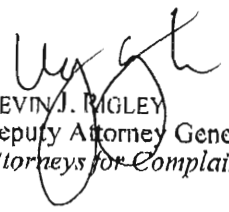
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Vocational Nursing and Psychiatric Technicians of the Department of Consumer Affairs.

Dated: 2/4/11

Respectfully Submitted,

EDMUND G. BROWN JR.
Attorney General of California
GREGORY J. SALUTE
Supervising Deputy Attorney General


KEVIN J. RIGLEY
Deputy Attorney General
Attorneys for Complainant

LA2010600048
Stipulation.rtf

Exhibit A

Statement of Issues No. PT-2008-2831

1 EDMUND G. BROWN JR.
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
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Attorneys for Complainant
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8 **BEFORE THE**
9 **BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Statement of Issues
12 Against:

13 **JONATHAN KRAUSS**
8351 Chaffee Street
14 Rancho Cucamonga, CA 91730

15 Application for Psychiatric Technician
16 Licensure

17 Respondent.

Case No. PT-2008-2831

STATEMENT OF ISSUES

18
19 Complainant alleges:

20 **PARTIES**

21 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Statement of Issues
22 solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and
23 Psychiatric Technicians, Department of Consumer Affairs.

24 2. On or about April 6, 2009, the Board of Vocational Nursing and Psychiatric
25 Technicians, Department of Consumer Affairs (Board) received an Application for a Psychiatric
26 Technician Licensure (application) from Jonathan Krauss (Respondent). On or about February 3,
27 2009, Jonathan Krauss certified under penalty of perjury to the truthfulness of all statements,
28

1 answers, and representations in the application. The Board denied the application on October 8,
2 2009.

3 JURISDICTION

4 3. This Statement of Issues is brought before the Board, under the authority of the
5 following laws. All section references are to the Business and Professions Code unless otherwise
6 indicated.

7 STATUTORY PROVISIONS

8 4. Section 118, subdivision (a), of the Code provides that the withdrawal of an
9 application for a license after it has been filed with a board in the department shall not, unless the
10 board has consented in writing to such withdrawal, deprive the board of its authority to institute
11 or continue a proceeding against the applicant for the denial of the license upon any such ground.

12 5. Section 480 of the Code states:

13 "(a) A board may deny a license regulated by this code on the grounds that the applicant
14 has one of the following:

15 "(1) Been convicted of a crime. A conviction within the meaning of this section
16 means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any
17 action that a board is permitted to take following the establishment of a conviction may be
18 taken when the time for appeal has elapsed, or the judgment of conviction has been
19 affirmed on appeal, or when an order granting probation is made suspending the imposition
20 of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the
21 Penal Code.

22

23 "(3)(A) Done any act that if done by a licentiate of the business or profession in question,
24 would be grounds for suspension or revocation of license.

25 "(B) The board may deny a license pursuant to this subdivision only if the
26 crime or act is substantially related to the qualifications, functions, or duties of the business
27 or profession for which application is made.

28 ///

1 "(b) Notwithstanding any other provision of this code, no person shall be denied a license
2 solely on the basis that he or she has been convicted of a felony if he or she has obtained a
3 certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of
4 Part 3 of the Penal Code or that he or she has been convicted of a misdemeanor if he or she has
5 met all applicable requirements of the criteria of rehabilitation developed by the board to evaluate
6 the rehabilitation of a person when considering the denial of a license under subdivision (a) of
7 Section 482."

8 6. Section 4523 of the Code states:

9 "A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a
10 charge substantially related to the qualifications, functions and duties of a psychiatric technician
11 is deemed to be a conviction within the meaning of the article. The board may order. . . or may
12 decline to issue a license, when the time for appeal has lapsed, or the judgment or conviction has
13 been affirmed on appeal or when an order granting probation is made suspending the imposition
14 of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal
15 Code allowing the person to withdraw his plea of guilty and to enter a plea of not guilty, or
16 setting aside the verdict of guilty, or dismissing the accusation, information, or indictment."

17 **REGULATORY PROVISIONS**

18 7. California Code of Regulations, title 16, section 2578, states:

19 "For the purposes of denial, suspension, or revocation of a license pursuant to Division 1.5
20 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be
21 considered to be substantially related to the qualifications, functions or duties of a licensed
22 psychiatric technician if to a substantial degree it evidences present or potential unfitness of a
23 licensed psychiatric technician to perform the functions authorized by his license in a manner
24 consistent with the public health, safety, or welfare. . ."

25 **FIRST CAUSE FOR DENIAL OF APPLICATION**

26 **(Criminal Convictions)**

27 8. Respondent's application is subject to denial under section 480, subdivisions (a)(1)
28 and (a)(3) of the Code, in conjunction with California Code of Regulations, title 16, section 2578,

1 in that Respondent has been convicted of crimes substantially related to the qualifications,
2 functions or duties of a psychiatric technician applicant, as follows:

3 a. On or about February 28, 2005, after pleading guilty, Respondent was
4 convicted of one misdemeanor count of violating Vehicle Code section 23152, subdivision (b)
5 [driving while having 0.8% and more, of alcohol in his blood], in the criminal proceeding titled
6 *People v. Krauss* (Super. Ct. San Bernardino County, 2005, No. TMV045060). Respondent was
7 sentenced to three (3) years probation with terms and conditions. Respondent was also ordered to
8 complete a 1st Offender Alcohol Program, his driver's license was ordered restricted for a total of
9 three months (to and from work/treatment program only), and he was ordered to pay fines and
10 fees totaling \$1474.00.

11 The circumstances surrounding the conviction are that on or about June 30, 2004, at
12 approximately 2:54 a.m., Respondent was stopped while driving a motor vehicle by a deputy
13 from the San Bernardino Sheriff's Department after the deputy observed Respondent unlawfully
14 fail to utilize his turn signal. Upon contacting Respondent and determining that Respondent had
15 recently consumed alcoholic beverages, the deputy had Respondent perform a series of field
16 sobriety tests, which he failed. Respondent was then arrested and charged with driving under the
17 influence of alcohol.

18 b. On or about June 28, 2007, after pleading guilty, Respondent was convicted of
19 one misdemeanor count of violation Vehicle Code section 23153, subdivision (a) [driving under
20 the influence of alcohol causing injury], in the criminal proceeding titled *People v. Krauss* (Super.
21 Ct. San Bernardino County, 2007, No. FSB059293). Respondent was ordered to serve 90 days
22 (with nine days credit for time already served) in a work-release program at the Glen Helen
23 Rehabilitation Center and was placed on probation for 3 years with terms and conditions.
24 Respondent was also ordered to complete a Multiple Offender Alcohol Program and pay fines
25 and fees totaling \$1630.00. Additionally, Respondent's driver's license was restricted for 12
26 months (to and from work/treatment program only).

27 The circumstances surrounding this conviction are that on or about November 29,
28 2006, Respondent, while driving a motor vehicle, sideswiped another vehicle and then

1 overreacted to this contact by steering sharply in the opposite direction, causing Respondent's
2 vehicle to strike a parked car. This impact caused the parked vehicle to strike an individual who
3 was standing next to it. Fortunately, this bystander was apparently not seriously injured as a
4 result thereof. However, when officers from the San Bernardino Police Department arrived at the
5 scene of the accident, they determined that Respondent had recently consumed alcoholic
6 beverages. Thereafter, at an officer's request, Respondent performed some field sobriety tests,
7 which he failed. Respondent was then arrested, at which time he elected to undergo a breath test
8 to determine his blood-alcohol content (BAC). The results of this test established that
9 Respondent had a BAC of .20 at that time.

10 c. On or about September 6, 2007, after pleading guilty, Respondent was
11 convicted of two misdemeanor counts of violating Vehicle Code section 23152, subdivision (b)
12 [driving while having 0.8% and more, of alcohol in his blood] and Penal Code section 148,
13 subdivision (a)(1) [resisting arrest], in the criminal proceeding titled *People v. Krauss* (Super. Ct.
14 San Bernardino County, 2007, No. MWV701562). Respondent was sentenced to probation for a
15 period of 36 months with terms and conditions. He was ordered to complete a 52-week Alcohol
16 Anonymous Program, attend an 18-Month Alcohol Counseling Program and pay fines and fees
17 totaling \$1665.00. This sentence was ordered to run concurrently with Case No. FSB059293.

18 The circumstances surrounding this conviction are that on or about July 4, 2006, at
19 approximately 3:48 a.m., a deputy from the San Bernardino County Sheriff's Department
20 observed Respondent, while driving a motor vehicle, make a right turn at an intersection without
21 signaling or stopping for a posted stop sign at that location. The deputy then followed
22 Respondent's vehicle and activated his overhead emergency lights and siren in an effort to get
23 Respondent to yield for a traffic stop. However, Respondent did not do so. Instead, Respondent
24 drove onward and proceeded to turn onto three different streets before the deputy saw him finally
25 pull over and stop his vehicle near what was later confirmed to be Respondent's residence. After
26 Respondent and the pursuing deputy exited their respective vehicles, Respondent was seen
27 reaching back into his vehicle in an apparent effort to retrieve something. Respondent then began
28 to walk across the street toward his residence. The deputy, who could not identify the object that

1 Respondent had retrieved, drew his service revolver and demanded that Respondent stop and
2 display his hands. However, Respondent refused to do so. Ultimately, the deputy had to fire and
3 strike Respondent with his taser gun in order to compel Respondent's compliance. When asked to
4 explain why he had not immediately stopped his vehicle when the deputy had attempted to pull
5 him over, Respondent told the deputy that he had not been driving a vehicle. After Respondent
6 was handcuffed, it became immediately apparent to the deputy that Respondent had recently
7 consumed alcoholic beverages. Thereafter, Respondent admitted that he had consumed between
8 8-11 beers within the previous four hour period and was requested to perform some field sobriety
9 tests at the scene of the arrest, but refused to do so. He was arrested and charged with driving
10 under the influence and delaying/obstructing a peace officer during the performance of his duties.
11 Respondent chose to submit to a blood test for purposes of determining his blood-alcohol content
12 (BAC), which established a BAC of .18.

13 **SECOND CAUSE FOR DENIAL OF APPLICATION**

14 **(Dangerous Use of Alcohol)**

15 9. Respondent's application is subject to denial under section 4521, subdivision (a)(5) of
16 the Code, on the grounds of unprofessional conduct, in that Respondent used alcohol beverages
17 on three occasions to an extent or in a manner dangerous to himself and others. Complainant
18 refers to and incorporates all the allegations set forth in paragraph 10, subparagraphs (a), (b), and
19 (c), as though set forth fully.

20 **THIRD CAUSE FOR DENIAL OF APPLICATION**

21 **(Convictions Involving the Consumption of Alcohol)**

22 10. Respondent's application is subject to denial under section 4521, subdivision (f) of the
23 Code, on the grounds of unprofessional conduct, in that on or about February 28, 2005,
24 June 28, 2007 and September 6, 2007, Respondent was convicted of crimes involving the
25 consumption of alcohol. Complainant refers to and incorporates all the allegations set forth in
26 paragraph 10, subparagraphs (a), (b), and (c), as though set forth fully.

27 ///

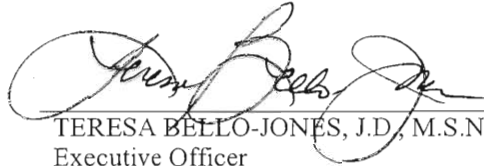
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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

1. Denying the application of Respondent for a Psychiatric Technician Licensure; and
2. Taking such other and further action as deemed necessary and proper.

DATED: May 10, 2010.



TERESA BELLO-JONES, J.D., M.S.N., R.N.
Executive Officer
Board of Vocational Nursing and Psychiatric Technicians
Department of Consumer Affairs
State of California
Complainant

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